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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,356	02/12/2002	Brian N. Tufte	1076.1101105	9075

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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/074,356

Applicant(s)

TUFTE, BRIAN N.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14, 16-18, 23, 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-9, 19, 21, 22, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 20 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on October 2, 2003 has been entered. Claim 1 has been amended. No claims have been cancelled. Claims 26-29 have been added. Claims 1-4, 6-14 and 16-29 are still pending in this application, with claims 1, 10, 11, 19, 21-24 and 26-29 being independent.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 9, 21, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by LEACH et al. (U.S. Pat. 4,979,081).

LEACH et al. discloses an elongated illumination device having:

- **an elongated member**, Figure 4, reference number 3;
- **an elongated light source**, Figure 1, reference number 38;
- **the elongated member having a cavity**, Figure 4, reference number 29;
- **the cavity being receiving the elongated light source**, column 4, lines 20-30;

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- **the elongated member also having an elongated slit**, Figure 4, reference number 30;
- **the elongated slit extending from the cavity to an outer surface of the elongated member**, column 3, lines 38-41;
- **an elongated carrier**, Figure 2, reference number 5;
- **the carrier having a slot**, Figure 2, reference number 16
- **the slot being for receiving the elongated member**, column 3, lines 53-60; and
- **the slot and the elongated member being adapted so that the elongated member is at least elastically deformed or bent for insertion of the elongated member into the slot**, column 4, lines 46-49.

3. Claims 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by RUH (U.S. Pat. 6,113,246).

RUH discloses an elongated illumination device having:

- **an elongated member**, Figure 3, reference number 120;
- **an elongated light source**, Figure 3, reference number 12;
- **the elongated member having a cavity**, Figure 3, reference numbers 44 and 46;
- **the cavity being receiving the elongated light source**, column 4, lines 33-36;

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- **the elongated member also having an elongated slit**, Figure 3, reference number 42;
- **the elongated slit extending from the cavity to an outer surface of the elongated member**, column 4, lines 17-22;
- **the slit being defined by two surface which are touching one another**, Figure 3 and column 4, lines 30-33;
- **a latch**, Figure 3, reference numbers 52 and 56; and
- **the latch being for latching the slit into a closed or substantially closed position**, column 4, lines 39-42.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEACH et al. (U.S. Pat. 4,979,081).

LEACH et al. discloses an elongated illumination device having:

- **an elongated member**, Figure 4, reference number 3;
- **an elongated light source**, Figure 1, reference number 38;
- **the elongated member having a cavity**, Figure 4, reference number 29;

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- **the cavity being receiving the elongated light source**, column 4, lines 20-30;
- **the elongated member also having an elongated slit**, Figure 4, reference number 30;
- **the elongated slit extending from the cavity to an outer surface of the elongated member**, column 3, lines 38-41;
- **an elongated carrier**, Figure 2, reference number 5;
- **the carrier having a slot**, Figure 2, reference number 16
- **the slot being for receiving the elongated member**, column 3, lines 53-60; and
- **the slot and the elongated member being adapted so that the elongated member is at least elastically deformed or bent for insertion of the elongated member into the slot**, column 4, lines 46-49.

LEACH et al. discloses all the limitations of the claims, except the elongated light source being an electroluminescent (ELE) fiber or wire.

The examiner takes Official Notice that the use of ELE fiber o wires is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an ELE fibers o wires for the light source in the system of LEACH et al.. One would have been motivated since ELE fibers o wires are recognized in the illumination art to have many desirable advantages,

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including high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

***Allowable Subject Matter***

5. Claims 10-14, 16-18, 20, 23, 28 and 29 are allowed.

6. Claims 3, 4, 6, 20 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

Applicant teaches an elongated illumination device having an elongated member for receiving an elongated light source. The elongated member includes a cavity where the light source is disposed after passing through a slit formed on the elongated member. The elongated member is elastically deformed for the slit to accept the light source. The elongated member is received by an elongated carrier. The elongate carrier provides a closing force for the slit of the elongated member. A latch can be included for keeping the slit closed or substantially closed.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

After January 13, 2004, the Examiner's telephone number will be changed to (571) 272-2376.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939, or (571) 272-2378 after January 12, 2004. The facsimile machine number for the Art Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

  
Inr

December 3, 2003